Tucker Ellis LLP

Illinois Employers, Take Note: New Laws for 2025

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By Gregory Abrams

The new year ushers in a slew of new employment laws in Illinois. Companies with employees in Illinois should take note of the following new requirements for 2025.

Pay Transparency Obligations

Employers with 15 or more employees now must include in job postings information about the position's salary or salary range and its benefits and other compensation, including incentives. This requirement applies to job positions that will be physically performed, even if only partially, in Illinois. It also applies to job positions that will be physically performed *outside* of Illinois if the employee will report to a supervisor, office, or worksite in Illinois.

Note that employers that use vendors for job postings are responsible for supplying the salary and related information to their vendors to enable them to comply.

In addition, if an employer makes an external job positing for a position, then (subject to certain limited exceptions) the employer must post or provide other notice *to current employees* of such a position within 14 days.

If there is no job posting for a position, an employer still must disclose the required pay scale and benefits before making a job offer or discussing compensation, or if requested by the applicant.

Increased Protections Under the Illinois Human Rights Act

Effective January 1, 2025, the Illinois Human Rights Act (IHRA) now prohibits discrimination based on "family responsibilities," which covers an employee's provision of "personal care" to a "family member." This includes activities that support a family member's basic medical needs like supplying transportation to medical appointments. A "family member" is defined to include an employee's child, stepchild, spouse, domestic partner, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent.

The IHRA also now prohibits discrimination based on an employee's "reproductive health decisions," which includes an employee's decision about, among other things, the continuation or termination of a pregnancy.

Additionally, the statute of limitations for filing a discrimination claim under the IHRA has increased to *two years* from the date of the alleged violation. This means that a discrimination claim that may be barred under federal law may still be timely under Illinois law.

New Requirements for Personnel Records Requests

Illinois employees have long had the right to inspect their personnel records under the Illinois Personnel Records Review Act (IPRRA). Among the changes to the IPRRA made effective in 2025 are the following:

- Requests must be made in writing, which may be done via email or text message.
- The request must, among other things, specify what personnel records are being requested or if all such records are requested.
- Any request for medical information and medical records must include a signed waiver.
- Personnel records now also encompass (a) employee handbooks; (b) any written policies or procedures concerning the employee's "qualifications for employment, promotion, transfer, compensation, benefits, discharge or other disciplinary action"; (c) any applicable employment-related contracts or agreements; and (d) certain benefits information.
- The IPRRA now makes clear that an employer may *exclude* from a personnel records production its trade secrets, client lists, sales projections, and "financial data."

New Whistleblower Protections

New amendments to the Illinois Whistleblower Act make clear that employees are protected from retaliation not only for disclosing wrongdoing, but also for *threatening* to make such a disclosure. The amendments also establish that the whistleblowing employee must have a "good faith" belief that the activity, policy, or practice at issue is unlawful or "poses a substantial and specific danger to employees, public health, or safety."

Additionally, prohibited retaliation includes not only an "adverse employment action" (such as termination of employment), but the *threat* of an adverse employment action. That could include, for example, threatening to take action to interfere with an employee's ability to obtain future employment. However, the amendments make clear that retaliation does *not* include certain conduct such as providing, in good faith, truthful, performance-related information about an employee or former employee to a prospective employer.

Illinois Wage Payment and Collection Act Amendments

Employers every pay period must provide pay stubs to employees, with the term "pay stub" now clarified to include an itemized statement of an employee's hours worked, pay rate, overtime pay and overtime hours worked, and other wage information. Employers must keep

a copy of an employee's pay stubs for three years from the date of payment (regardless of whether the employee remains employed).

An employee or former employee may request copies of their paystubs at least twice per 12-month period, although a former employee is not entitled to pay stubs more than a year after the employee's separation of employment. Employers that use electronic pay stubs that are not accessible by former employees must offer an outgoing employee a record of his or her pay stubs for the previous year; the employer must record the date on which this offer was made and if and how the employee responded.

Next Steps

Companies with employees working (or reporting to someone) in Illinois should take stock of these new developments, evaluate whether updates to policies and procedures (such as employee handbooks) are needed, and ensure that they are prepared to address these issues when they arise. Employers with questions or who need guidance on these new requirements should feel free to contact any member of Tucker Ellis's Illinois employment team.

Additional Information

For more information, please contact:

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